



# CALGARY BOARD OF EDUCATION

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## Administrative Regulation 6014 - Student Searches

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#### Preamble

Section 45(8) of the School Act says that a school board must provide a safe and caring environment for students that fosters and maintains respectful and responsible behaviours. From time to time in order to discharge that duty it is necessary to conduct student searches. The Supreme Court of Canada decision in the case of R. v. M. (M.R.) established requirements for a school board when conducting a student search.

This regulation outlines the process to use when conducting student searches in a manner that is consistent with the decision of the Supreme Court of Canada and with the School Act.

#### Definitions

- 1 In this regulation
- (a) **“explosive substance”** means an explosive substance, and includes

- (i) ammunition for a firearm,
  - (ii) improvised explosive devices or components used in the construction of an improvised explosive device such as a pipe bomb or incendiary device;
- (b) **“reasonable grounds for a search”** means any one of the following
- (i) information received from a credible student or person,
  - (ii) information from more than one person,
  - (iii) a teacher's or principal's own observations, or
  - (iv) any combination of the above information that the principal or their Calgary Board of Education employee designate considers credible;
- (c) **“school property used by a student”** means a desk, locker, school storage area or any other school article or object used by a student including Calgary Board of Education electronic information resources;
- (d) **“student articles and objects”** means articles or objects owned or used by a student either on school board premises or during off-site activities including but not limited to backpacks, clothing, purses, suitcases, and tote bags.

**Random searches**            **2**            Random and arbitrary searches of students, school property used by students or student articles and objects including random and arbitrary canine searches are prohibited.

**Reasonable grounds for a search**            **3**            A principal or their Calgary Board of Education employee designate may conduct a search of a student school property used by a student and student articles and objects in the following circumstances:

- (a) when there are reasonable grounds to believe that there has been a breach of school rules or discipline and that the search will reveal evidence of the violation; or
- (b) in an investigation of a violation of school discipline; or
- (c) as a matter of school welfare or safety.

<b>Scope of searches</b>	<b>4</b>	A student's person, student articles and objects and school property used by a student are subject to search and searches must be conducted in accordance with this regulation.
<b>Conduct of searches</b>	<b>5(1)</b>	Searches may only be conducted by the school principal or their Calgary Board of Education employee designate in the presence of another Calgary Board of Education employee or volunteer.
	(2)	For the purpose of this regulation, during an off-site activity the principal's designate is the teacher-in-charge.
	(3)	All searches must <ul style="list-style-type: none"> <li>(a) be carried out in a reasonable manner,</li> <li>(b) respect the privacy of the student,</li> <li>(c) be minimally intrusive, and</li> <li>(d) be conducted in a sensitive manner and take into consideration the age and gender of the student, their religious practices and all related circumstances.</li> </ul>
<b>Application</b>	<b>6(1)</b>	The requirements in this regulation for reasonable grounds for a search do not apply to a situation where the principal or teacher observes disruptive student activity or behaviour and immediately requests that a student hand over an article or remove material from their pockets, backpacks, purses, suitcases, tote bags, desks or lockers and present it to the teacher or principal. Examples of these requests include: <ul style="list-style-type: none"> <li>(a) "Give me whatever you shoved into your locker";</li> <li>(b) "Take that item out of your pocket";</li> <li>(c) "Give me that chewing gum".</li> </ul>
<b>Advice to parents</b>	<b>7(1)</b>	Principals must ensure that school handbooks advise students and parents that the following may be subject to search: <ul style="list-style-type: none"> <li>(a) students,</li> </ul>

- (b) school desks, lockers and school storage areas used by students, and
- (c) articles and objects belonging to or used by students either on school board premises or during off-site activities including, but not limited to, backpacks, clothing, purses, suitcases, and tote bags and
- (d) Calgary Board of Education electronic information resources used by students.

(2) A Notice to Parents is provided for the use of school principals in Appendix A.

**Search of electronic information**

**8(1)** A principal or their Calgary Board of Education employee designate may authorize Calgary Board of Education employee to search Calgary Board of Education electronic information resources stored at the school or facility and used by a student.

(2) A search of Calgary Board of Education centrally stored electronic information resources used by a student may only be done by the Director of Information Technology or their designate according to Administrative Regulation 1062 - Acceptable Use of Electronic Information Resources, upon the request of a principal or the principal's Calgary Board of Education employee designate.

**Search of a student's person**

**9(1)** The principal or Calgary Board of Education employee designate must inform the student of the search process before they begin a search of the student's person.

(2) It is not necessary to notify a parent before a search of the student's person is conducted, but the principal or the principal's Calgary Board of Education employee designate must inform the student's parents about the search of the student's person as soon as practicable.

(3) Searches of a student's person may only be conducted by the school principal or their Calgary Board of Education employee designate in the presence of another Calgary Board of Education employee or volunteer.

(4) A principal or their Calgary Board of Education employee designate conducting a search of the student's person may ask the student to do any one or more of the following:

- (a) empty out their pockets, and any other articles and objects

belonging to or used by the student;

- (b) shake out their clothing;
  - (c) roll up their sleeves, waist bands or pant cuffs;
  - (d) remove belts, head coverings, hats, overcoats, jackets, scarves, mitts, gloves, socks or shoes, and any other accessories.
- (5) Calgary Board of Education employees and volunteers are prohibited from conducting a strip searches of students under any circumstances.

**School desk,  
lockers**

- 10(1)** School property used by a student is the property of the Calgary Board of Education and is subject to search by the principal or their Calgary Board of Education employee designate in the presence of another Calgary Board of Education employee or volunteer.
- (2) In certain circumstances, it may be preferable that the student be present when the desk, locker or school storage area is searched, but it is not necessary.

**Search  
reports**

- 11(1)** The person conducting the search must document the search in writing and include the following information:
- (a) the name of the student,
  - (b) the name of the person doing the search,
  - (c) the Calgary Board of Education employee or volunteer witness to the search,
  - (d) the date, place, location and time of day,
  - (e) the results of the search, and
  - (f) any other relevant information.
- (2) A Student Search Report must be completed whenever a search is conducted, and is attached in Appendix B.

**Securing,  
recording and  
returning**

- 12** If a teacher or principal has confiscated unauthorized material other than alcohol, drugs, tobacco, or weapons, the teacher or principal must

**confiscated  
material**

- (a) ensure that the unauthorized material is kept in a secure location
  - (b) enter the item into the school office permanent record of confiscated property as soon as is practicable, and
  - (c) return the item to the student at the end of school day, or, in the case of a parent or guardian, at a time that is mutually agreeable to the teacher or principal and the parent or guardian.
- (2) The student, parent or guardian must show photographic identification and sign the school's permanent record of confiscated property to show that they have received the property.

**Alcohol/drugs  
/ tobacco**

- 13(1)** If a student is found in possession of alcohol, drugs or tobacco, the principal must
- (a) immediately contact Calgary Police Services for the management of alcohol/drug/tobacco possession and legally authorized disposal and;
  - (b) ensure that appropriate provisions are made for student discipline under Administrative Regulation 6001 - School Discipline.
- (2) If alcohol/drugs/tobacco are discovered at the school, on the school grounds, or at a school authorized activity, and the owner is unknown, the principal must ensure that the alcohol/drugs/tobacco are immediately delivered to Calgary Police Services, or local law enforcement officials, for legally authorized disposal.

**Firearms**

- 14(1)** If a student is found in possession of firearms or imitation firearms at the school, on the school grounds, or at a school authorized activity, the principal must
- (a) immediately contact Calgary Police Services, or local law enforcement officials, for management of the firearms or imitation firearms and their legally authorized disposal, and
  - (b) ensure that appropriate provisions are made for student discipline under Administrative Regulation 6001 - School Discipline.
- (2) This section does not apply to circumstances where

- (a) a student's possession of an imitation firearm is authorized by a teacher or principal, such as in a dramatic production or
- (b) a student's use of a starter's pistol authorized by a teacher or principal at an athletic event.

**Explosive substances**

**15(1)** If a student is found in possession of an explosive substance at the school, on the school grounds, or at a school authorized activity, the principal must

- (a) immediately contact Calgary Police Services, or local law enforcement officials, for management of the explosive substance and its legally authorized disposal; and
- (b) ensure that appropriate provisions are made for student discipline under Administrative Regulation 6001 - School Discipline.

**Approved:**

April 4, 2005

**References**

**Legal References:**

- School Act, R.S.A. c.S-5, section 45(8)
- R. v. M.(M.R.) 1998 S.C.R.

**Administrative Regulations References:**

- 1062 - Acceptable Use of Electronic Information Resources
- 6001 - School Discipline

**Contact Person:**

- For school searches: Corporate Security and Student Safety
- For central electronic information searches: Director of Information Technology

## **APPENDIX A**

### **Notice to Parents**

#### **What does Search and Seizure mean?**

When necessary, teachers must be able to quickly intervene, search students, and seize articles or items that interfere with the safety and maintenance of a learning environment. Student searches cannot be at the expense of students' basic rights. The Supreme Court of Canada's decision in *R. v. M. (M.R.)* found a balance between these two positions by requiring the search to be both reasonable at its inception, and reasonable in scope.

The Supreme Court of Canada mandated a two-part procedure.

#### **1. Is the search reasonable at its inception?**

- a. Teachers and school administrators must have reasonable grounds to believe there has been a breach of school regulations or discipline. The information received must be credible; it should be from a reliable source. The information could come from a student, personal observations or colleagues.
- b. Having received information that a violation of school policy by a particular student has/is taking place, teachers and school administrators must believe that a search of this student or the student's possessions would reveal further evidence of that breach.

#### **2. Is the scope of the search reasonable?**

- a. If there are reasonable grounds based on credible information that the student has violated school policy and that the search would result in supporting evidence, a search is permissible.
- b. The search must be conducted in a sensitive and minimally intrusive manner. Factors such as age and gender of the student, the gender of those performing the search, and where the search is conducted must be taken into consideration.

## APPENDIX B

 Calgary Board of Education	<h1 style="margin: 0;">Student Search Report</h1> <h2 style="margin: 0;">Corporate Security</h2>		
Location of search, including address:			
Student's Name:			School:
Gender:	Female: <input type="checkbox"/> Male <input type="checkbox"/>		
Date of Birth:	DD	MM	YR
Grade:			
Home Address:			
Parent/Guardian Names:			Tel.:
Date & Time of Search:	DD	MM	YR
Time:			
What were the grounds for this search? Check one or more	Information from a reliable source: <input type="checkbox"/> Information from several sources: <input type="checkbox"/> Teacher or Principal's own observation: <input type="checkbox"/>		
What was searched:	Locker   Bag   Purse   Backpack   Jacket   Car   Person   Computer   Other (please describe)		
Personal search: Please check all those applicable	Emptying pockets <input type="checkbox"/> Rolling up sleeves or pant cuffs <input type="checkbox"/> Removing head coverings, outdoor clothes, socks or shoes <input type="checkbox"/> Other (please describe)		
Exact location of the search:			
Who conducted the search?			
Who was present during the search?			
What was found during the search?	Nothing   Gun   Knife   Alcohol   Drugs   Tobacco   Explosives Other (please describe)		
Describe the disposition of any seized items			
Were the police called?	No <input type="checkbox"/> Yes <input type="checkbox"/>	Time:	Police File Number:
Which parent/guardian was called and when:	Parent? Guardian	Time:	
What disciplinary measures are being contemplated or have been initiated?			
Name and position of person conducting the search (Please print):	Signature		